

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TODD PHILLIP ALLEN,  
Petitioner,

FILED

CIVIL ACTION

v.

SEP 24 2014

LOUIS FOLINO,  
THE DISTRICT ATTORNEY OF THE  
COUNTY OF MONTGOMERY, and  
THE ATTORNEY GENERAL OF THE  
STATE OF PENNSYLVANIA,  
Respondents.

MICHAEL E. KUNZ, Clerk  
By VR Dep. Clerk

NO. 12-6404

ORDER

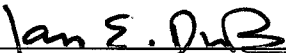
AND NOW, this 24th day of September, 2014, upon consideration of Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Todd Phillip Allen, the record in this case, the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated July 31, 2014, and *pro se* Petitioner's Objection to the Report and Recommendation, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated July 31, 2014, is **APPROVED AND ADOPTED**;
2. Objection to Report and Recommendation filed by *pro se* petitioner is **OVERRULED**. The issues raised in the Objection were addressed by the Magistrate Judge in the Report and Recommendation which the Court has approved and adopted. The Court concludes that the record in this case, including what is sent forth in *pro se* petitioner's Objection, does not establish *pro se* petitioner's claimed entitlement to equitable tolling;
3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by *pro se* petitioner, Todd Phillip Allen, is **DISMISSED WITH PREJUDICE** as untimely filed, without an evidentiary hearing; and,

9/25/14  
mailed to: T. Allen, Petitioner  
e-mailed to counsel: R. Folino

4. A certificate of appealability will not issue because reasonable jurists would not debate the propriety of this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

**BY THE COURT:**

  
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DuBOIS, JAN E., J.